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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,345	07/14/2003	James K. Lavin		1344

7590                    12/19/2005  
James Lavin  
575 W Madison St, Apt 609  
Chicago, IL 60661

EXAMINER	
EBIRIM, EMEKA	
ART UNIT	PAPER NUMBER
2166	



DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/604,345	LAVIN ET AL.	
	Examiner Emeka Ebirim	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/14/2003.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Status***

1. The application has been examined. Claims 1-13 are rejected as detailed below and are pending in this office action.

### ***Drawings***

The drawings are objected to because they do not contain the figure label. For example Fig 1, Fig 2 etc. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Examiner also suggests the removal of the TITLE of the invention from the Abstract page.

The application papers are objected to because the application paper fonts are oversized. A font size of 12 would be adequate. A legible substitute specification in compliance with 37 CFR 1.52(a) and (b) and 1.125 is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 - 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 9 recite the limitation "high probability" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 7-10 recite the limitation "predict" or "prediction" in the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No. US 2002/0042789 to Michalewicz et al (hereinafter Michalewicz), in view of Pub No. US 2003/0014483 to Stevenson et al (hereinafter Stevenson).

Michalewicz discloses:

Claim 1.

A method of collecting information on a data aggregation service comprising the steps of: a) a data acquisition application sending a request to a third party computer; (data acquisition module which is capable of retrieving information from web sites (third party computer)) [see Michalewicz Col 5 paragraph 0083] b) said third party computer sending a response to said data acquisition application; ((data acquisition module which is allowed to retrieve information from web sites (third party computer)) [see Michalewicz Col 5 paragraph 0083] c) said data acquisition application sending to a data aggregation service at least some of the information contained in said response; (data preparation module (data aggregation) processes data retrieved by the data acquisition module) [see Michalewicz Col 5 paragraph 0086] and d) said data aggregation service storing at least some of the information contained in said at least

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some of the information contained in said response received from said data acquisition application. (storing of the information) [see Michalewicz Col 5 paragraph 0087]

Michalewicz discloses the elements of claim 1 as disclosed but it does not explicitly indicate "data aggregation".

Stevenson discloses the claimed "data aggregation" (content aggregation) [see Stevenson Col 3 paragraph 0030]

It would have been obvious to one of ordinary skill in the art, at the time of the present invention, to have combined the teachings of the cited references because the content aggregation (data aggregation) of Stevenson's disclosure would have allowed Michalewicz's system to manage the acquisition and distribution of content as business requirements and network technologies evolve. Content aggregation (data aggregation) as disclosed by Stevenson improves to meet the requirement for content type, presentation and services as well as providing greater control of factors such as security and control of content. [see Stevenson Col 1 paragraph 0004, 0007]

Claim 2.

The combination of Stevenson and Michalewicz discloses the elements of claim 1 as noted above and furthermore Michalewicz discloses said request to a third party computer initiates the process. [see Stevenson Col 2 paragraph 0033]

Claim 3.

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Michalewicz discloses the elements of claim 2 as noted above and furthermore it discloses said request to a third party computer incorporates information specific to said data acquisition application's owner or said data acquisition application's operator. (adaptation to the various sites and specific customer needs is considered during the acquisition process) [see Stevenson Col 5 paragraph 0084]

Claim 4.

Michalewicz discloses the elements of claim 1 as noted above and furthermore it discloses said data aggregation service sends a request to said data acquisition application that said data acquisition application then utilizes to prepare said request to a third party computer. [see Michalewicz Col 5 paragraph 0086]

Michalewicz discloses the elements of claim 1 as disclosed but it does not explicitly indicate "data aggregation".

Stevenson discloses the claimed "data aggregation" (content aggregation) [see Stevenson Col 3 paragraph 0030]

It would have been obvious to one of ordinary skill in the art, at the time of the present invention, to have combined the teachings of the cited references because the content aggregation (data aggregation) of Stevenson's disclosure would have allowed Michalewicz's system to manage the acquisition and distribution of content as business requirements and network technologies evolve. Content aggregation (data aggregation) as disclosed by Stevenson improves to meet the requirement for content type, presentation and services as well as providing greater control of factors such as security

and control of content. [see Stevenson Col 1 paragraph 0004, 0007]

Claim 5.

The combination of Michalewicz and Stevenson discloses the elements of claim 4 as noted above and furthermore Michalewicz discloses said request to said data acquisition application incorporates information known by said data aggregation service relating to said data acquisition application or said data acquisition application's owner or said data acquisition application's operator. (Information received through data acquisition is used to further refine the data retrieval process) [see Michalewicz Col 3 paragraph 0059]

Claim 6.

The combination of Michalewicz and Stevenson discloses the elements of claim 5 as noted above and furthermore Michalewicz discloses said request to said data acquisition application contains sufficient information that said data acquisition application can generate said request to a third party computer without utilizing additional information specific to said data acquisition application's owner or said data acquisition application's operator. (sending of preferred (sufficient) information) [see Michalewicz Col 3 paragraph 0058]

Claim 7.

The combination of Michalewicz and Stevenson discloses the elements of claim 4 as noted above and furthermore Michalewicz discloses said data aggregation server increases the speed or efficiency of information collection by not issuing at least one said request to said data acquisition application that said data aggregation server predicts will return redundant information with high probability. (Redundant information is eliminated to enhance the system) [see Michalewicz Col 1 paragraph 0008, 0015]

Claim 8.

The combination of Michalewicz and Stevenson discloses the elements of claim 7 as noted above and furthermore Michalewicz discloses said data aggregation application makes predictions by utilizing its knowledge of information already acquired and stored in said data aggregation server and/or information it possesses specific to one or more said data acquisition application owners or said data acquisition application operators. (data acquisition is done based on the specific information provided by the administrator (operators)) [see Michalewicz Col 5 paragraph 0084]

Claim 9.

The combination of Michalewicz and Stevenson discloses the elements of claim 6 as noted above and furthermore Michalewicz discloses said data aggregation server increases the speed or efficiency of information collection by not issuing at least one said request to said data acquisition application that said data aggregation server predicts will return redundant information with high probability. (Redundant information

is eliminated to enhance the system) [see Michalewicz Col 1 paragraph 0008, 0015]

Claim 10.

The combination of Michalewicz and Stevenson discloses the elements of claim 9 as noted above and furthermore Michalewicz discloses said data aggregation application makes predictions by utilizing its knowledge of information already acquired and stored in said data aggregation server and/or information it possesses specific to one or more said data acquisition application owners or said data acquisition application operators. . (data acquisition is done based on the specific information provided by the administrator (operators)) [see Michalewicz Col 5 paragraph 0084]

Michalewicz disclose:

Claim 11.

A system for collecting information from one or more third party computers comprising: a data aggregation service (data preparation) [see Michalewicz Col 5 paragraph 0086]; a data acquisition application [see Michalewicz Col 5 paragraph 0086]; a third party computer (web site) [see Michalewicz Col 5 paragraph 0083]; a data sharing connection between said data acquisition application and said third party computer capable of transmitting a request from said data acquisition application to said third party computer and capable of transmitting a response from said third party computer to said data acquisition application (data sharing connection for sharing information) [see Michalewicz Col 3 paragraph 0056]; and a data sharing connection

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between said data acquisition application and said data aggregation service capable of transmitting at least some of the information contained in said response from said data acquisition application to said data aggregation service. (data sharing connection for sharing information) [see Michalewicz Col 3 paragraph 0056]

Michalewicz discloses the elements of claim 11 as disclosed but it does not explicitly indicate "data aggregation".

Stevenson discloses the claimed "data aggregation" (content aggregation) [see Stevenson Col 3 paragraph 0030]

It would have been obvious to one of ordinary skill in the art, at the time of the present invention, to have combined the teachings of the cited references because the content aggregation (data aggregation) of Stevenson's disclosure would have allowed Michalewicz's system to manage the acquisition and distribution of content as business requirements and network technologies evolve. Content aggregation (data aggregation) as disclosed by Stevenson improves to meet the requirement for content type, presentation and services as well as providing greater control of factors such as security and control of content. [see Stevenson Col 1 paragraph 0004, 0007]

Claim 12.

The combination of Michalewicz and Stevenson discloses the elements of claim 11 as noted above and furthermore Michalewicz discloses said data sharing connection between said data acquisition application and said data aggregation service also is capable of transmitting a request from said data aggregation service to said data

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acquisition application. (transfer (transmit) of information) [see Michalewicz Col 7 paragraph 0131]

Claim 13.

Michalewicz discloses a method for facilitating automated acquisition of data from computer-based network data sources by means of one or more data aggregation servers and a distributed network of one or more client computers (each operated by and/or on behalf of one or more end users). ( a method of data acquisition through a network (Internet) which is aided by data aggregation (data preparation) ) [see Michalewicz Col 3 paragraph 0056, 0058]

Michalewicz discloses the elements of claim 13 as disclosed but it does not explicitly indicate "data aggregation".

Stevenson discloses the claimed "data aggregation" (content aggregation) [see Stevenson Col 3 paragraph 0030]

It would have been obvious to one of ordinary skill in the art, at the time of the present invention, to have combined the teachings of the cited references because the content aggregation (data aggregation) of Stevenson's disclosure would have allowed Michalewicz's system to manage the acquisition and distribution of content as business requirements and network technologies evolve. Content aggregation (data aggregation) as disclosed by Stevenson improves to meet the requirement for content type, presentation and services as well as providing greater control of factors such as security and control of content. [see Stevenson Col 1 paragraph 0004, 0007]

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka Ebirim whose telephone number is 571-272-3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Name: Emeka Ebirim  
Art Unit: 2166



MOHAMMAD ALI  
PRIMARY EXAMINER

## ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

Title of Invention	Method for distributed acquisition of data from computer-based network data sources											
Application Number :												
Confirmation Number:												
First Named Applicant:	James Lavin											
Attorney Docket Number:												
Art Unit:												
Examiner:												
Search string:	( 6185701 or 6334145 or 6157940 or 6044398 or 6304864 or 6286031 or 5675637 or 6138148 or 20010027479 or 20010011294 ).pn											
<b>US Patent Documents</b>												
<b>Note: Applicant is not required to submit a paper copy of cited US Patent Documents</b>												
init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass					
EE	1	6185701	2001-02-06	Automated client-based web application URL link								
EE	2	6334145	2001-12-25	Method of storing and classifying selectable web								
EE	3	6157940	2000-12-05	Automated client-based web server stress tool								
EE	4	6044398	2000-03-28	Virtual dynamic browsing system								
EE	5	6304864	2001-10-16	System for retrieving multimedia								
EE	6	6286031	2001-09-04	Scalable multimedia distribution method								
EE	7	5675637	1997-10-07	Method for automatically obtaining								
EE	8	6138148	2000-10-24	Client								

				intermediation of server applications			
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## US Published Applications

Note: Applicant is not required to submit a paper copy of cited US Published Applications

init	Cite.No.	Pub. No.	Date	Applicant	Kind	Class	Subclass
EE	1	20010027479	2001-10-04	Distributed client-based data caching			
EE	2	20010011294	2001-08-02	COMMERCIAL DISTRIBUTED PROCESSING			

## Signature

Examiner Name	Date
<u>onehadrin</u>	12/08/2005

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination 10/604,345 LAVIN ET AL.	
		Examiner	Art Unit	Page 1 of 1 Emeka Ebirim 2166

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0042789 A1	04-2002	Michalewicz et al.	707/3
*	B	US-2003/0014483 A1	01-2003	Stevenson et al.	709/203
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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